

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re EXODUS COMMUNICATIONS, INC.
SECURITIES LITIGATION

Master File No. C-01-2661-MMC

CLASS ACTION

This Document Relates To:

ALL ACTIONS.

~~PROPOSED~~ AMENDED ORDER
AWARDING ATTORNEYS' FEES AND
EXPENSES

DATE: October 31, 2008
TIME: 9:00 a.m.
COURTROOM: The Honorable
Maxine M. Chesney

1 THIS MATTER having come before the Court on October 31, 2008, on the application of
2 Co-Lead Counsel for an award of attorneys' fees and expenses incurred in the above-captioned
3 action; the Court, having considered all papers filed and proceedings conducted herein, having found
4 the settlement of this action to be fair, reasonable, and adequate and otherwise being fully informed
5 in the premises and good cause appearing therefore;

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

7 1. All of the capitalized terms used herein shall have the same meanings as set forth in
8 the Stipulation of Settlement dated as of April 9, 2008 (the "Stipulation"), and filed with the Court.

9 2. This Court has jurisdiction over the subject matter of this application and all matters
10 relating thereto, including all Members of the Settlement Class who have not timely and validly
11 requested exclusion.

12 3. The Court finds the objection submitted by James J. Izanec and the objection received
13 by Co-Lead Counsel from Federico Sacerdoti to be without merit and hereby overrules each of these
14 objections.

15 4. The Court hereby awards Co-Lead Counsel attorneys' fees of 20% of the Settlement
16 Fund, plus payment of litigation expenses in the amount of \$900,000 together with the interest
17 earned thereon for the same time period and at the same rate as that earned on the Settlement Fund
18 until paid. The Court finds that the amount of fees awarded is appropriate and that the amount of
19 fees awarded is fair and reasonable under the "percentage-of-recovery" method given the substantial
20 risks of non-recovery, the time and effort involved, and the result obtained for the Settlement Class.
21 *See Vizcaino v. Microsoft Corp.*, 290 F.3d 1043 (9th Cir. 2002).

1 5. The awarded attorneys' fees and expenses and interest earned thereon shall
2 immediately be paid to Co-Lead Counsel subject to the terms, conditions and obligations of the
3 Stipulation, and in particular ¶6.2 thereof, which terms, conditions and obligations are incorporated
4 herein.

5 IT IS SO ORDERED.

6 DATED: October 31, 2008


THE HONORABLE MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE

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9 Submitted by:

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Co-Lead Counsel for Plaintiffs

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